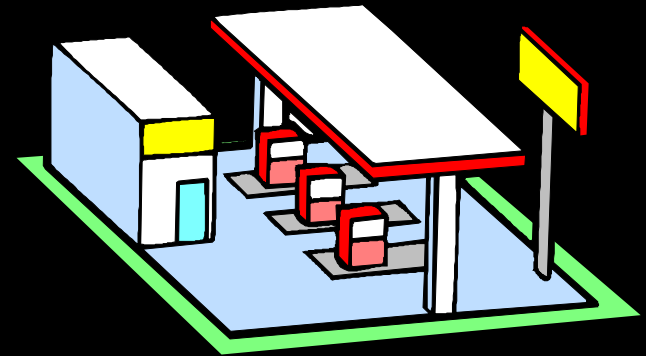


# Underground Storage Tank Petroleum Clean-up Account

# Introduction



- Overview of the Underground Storage Tank Petroleum Clean-up Account Program
- Presented by Jacques Gilbert, Supervising Environmental Analyst





# Topics of Discussion

- Historical
- Legislation
- Stakeholders
- Application Review Process
- Review Board
- Program Statistics

# Historical Overview

- Connecticut UST Regulations
- Federal UST Regulations 40 CFR Part 280.90
  - Financial Responsibility



# Historical Overview

- 40 CFR Part 280..Owners and operators of petroleum USTs shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.....

# Historical Overview

- Various Mechanisms for Compliance
- State Fund
- EPA Approval of State Fund – State UST Program Approval
- Notice to UST Owners/Operators

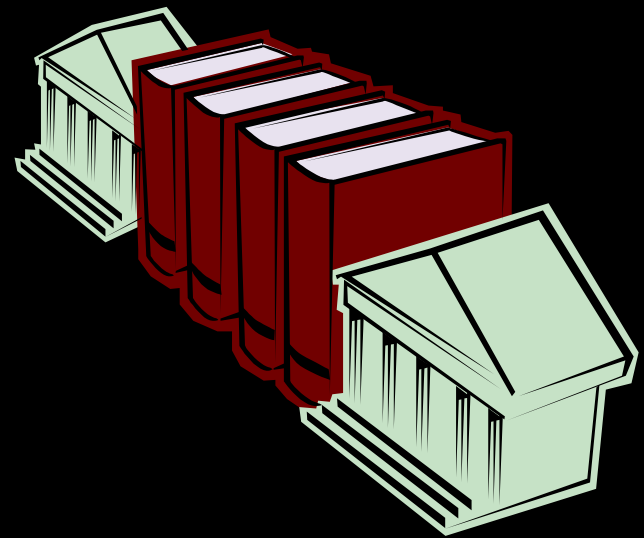
# Historical Overview

- Review Board
- Residential Tank Amnesty Subaccount
- Legislative Program Review And Investigations



# Legislation

- Public Acts 89-373, 90-181 and 91-254
- C.G.S. Section 22a-449(d), Sections 22a-449a – n,
- R.C.S.A. Section 22a-449e-1, Sections 22a-449(d)-1, 22a-449(d)-101-113



# Stakeholders

- UST Owners/Operators
- Public -Third Parties
- EPA, DEP, OPM, Fire Marshal Office, Review Board, Municipalities
- Connecticut Petroleum Council
- Independent Connecticut Petroleum Association



# Stakeholders

- Connecticut Gasoline Retailer Association
- Environmental Professionals' Organization of Connecticut
- Clean-up Contractors
- Connecticut Business and Industry Association

# Stakeholders

- Water Companies
- Legal, Real Estate, Banking, Insurance Community

# **Application Process and Payment**

## **1. UST Clean-up Account Staff Receives Application**

- Application received by the UST Petroleum Clean-up Account Review Board (DEP acts as custodian for received applications)**
- Staff logs in application and maintains database to track awards and \$1,000,000 cap**

# Application Process and Payment

- **Statutory Deadline for Board to Render Decision on Applications (90 days for new applications and 45 days for supplemental applications)**
- **New Applications**
- **Supplemental Applications**
- **Preauthorization Applications**

# Application Process and Payment

- **Staff reviews the application for completeness and eligibility in accordance with R.C.S.A. Section 22a-449e-1**
  - ★ **Eligibility of Release**
  - ★ **Compliance Issues**
  - ★ **Responsible Versus Third Party**
  - ★ **Eligibility and Reasonability of Costs**
  - ★ **Status of Site Investigation and Remediation**
  - ★ **Cost Recovery**

# Application Process and Payment

- **Staff prepares written evaluation and recommendation for the Review Board to act on such application**
- **Staff sends a copy of its evaluation and recommendation with a 30-day notice for comment to the applicant**
- **Staff places its evaluation and recommendation on the Review Board's monthly agenda**



# Application Process and Payment

## 2. Review Board's Monthly Public Meeting

- ◆ Staff Prepares for Board Meeting
- ◆ Staff and Applicant Attend Board Meeting
- ◆ Applicant May Dispute Staff's Recommendation



# Application Process and Payment

- ◆ **Applicant Represented by Attorney and/or Consultant**
- ◆ **Review Board Awards or Rejects Application**
- ◆ **Review Board may Table Application and Request Additional Information**



# Application Process and Payment

- 3. Review Board sends its decision/payment letter concerning applications to the DEP Commissioner and the applicants following the monthly meeting (the letter lists the Review Board's decisions and requests that the DEP Commissioner make payment**

# Application Process and Payment

- **Applicant and/or Commissioner may request administrative hearing**
- **Review Board May Seek Cost Recovery for Third Party Awards**

# Application Process and Payment

4. Comptroller's Office Issue and Sends Check to the Applicant
5. State Auditors May Audit Awards

# Review Board

- Review Board Comprised of 14 Board Members
- Members include Commissioners of the DEP, Revenue Services, OPM and State Fire Marshal,

# Review Board

- Connecticut Petroleum Council, Independent Connecticut Petroleum Association, Connecticut Gasoline Retailer Association, Service Station Dealers Association, Municipalities, Public, LEP, Small Manufacturer, Residential Tank Contractor

# Review Board

- By Law, Board's Role is to Receive, Review and Make Final Decisions on Reimbursement Applications
- Board has Ability to Hold Hearings, Administer Oaths, Subpoena Witnesses and Documents Through its Chairman



# Review Board

- Monthly Public Meetings – DEP  
Calendar of Events
- Board Minutes

# Program Statistics (excluding residential tank amnesty program)

- 48 States Have Clean-up Funds for UST Releases
- Connecticut Clean-up Account Provides Financial Responsibility Coverage for up to 31,725 USTs (12,801 active, 18,986 closed) located at 8,900 UST Facilities (4,944 active, 3,956 closed)

# Program Statistics (excluding residential tank amnesty program)

- Provides Reimbursement for State Owned Heating Oil USTs Releases
- 1,243 UST Sites Have Applied for Reimbursement

# The Learning Corridor, Washington Street, Hartford, Connecticut



# The Learning Corridor, Washington Street, Hartford, Connecticut



## Trinity/SINA Neighborhood Revitalization Initiative



Aerial view. Vernon Street, bottom, Broad Street, right. Clockwise from top right: Montessori School; Learning Corridor Middle School, bottom right; Commons Building, center; . Learning Corridor High School Science, Mathematics, and Technology Resource Center, left; Theater Arts Building, middle left; parking garage, top left



# Trinity/SINA Neighborhood Revitalization Initiative

Aerial view. Washington Street at bottom, Vernon Street at right



# Oil Heat & Engineering, 1000 New Britain Avenue, Hartford, Connecticut





# Compo Yacht Basin, 62 Compo Beach Road, Westport, Connecticut



# Brookfield Four Corner 794, 813, 819 & 820 Federal Road, Brookfield, Connecticut



# Tire Country of Enfield

623 Hazard Avenue, Enfield, Connecticut





# Crowley Chevrolet, 33 Raymond Road, West Hartford, Connecticut



# Bob's Fort Hill Mobil, 182 Fort Hill Road, Groton



# Torrington Mobil, 1795 East Main Street, Torrington





# Dairy Mart, 699 Main Street, Plymouth



# Program Statistics (excluding residential tank amnesty program)

- As of 11/05 (1,243 Sites)
  - ◆ Rejected Sites (232)
  - ◆ Complies with RSRs (Closure Sampling Complete) (30)
  - ◆ Levels below the RSRs (Closure Sampling not Complete) (168)
  - ◆ Active (253)
  - ◆ Inactive (Levels Above RSRs) (102)
  - ◆ Status Unknown (Inactive-Current Levels Unknown) (458)



# Program Statistics (excluding residential tank amnesty program)

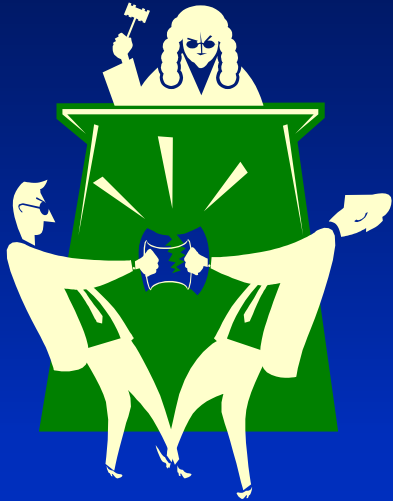
- Average (3) New Site Applications per Month, (48) Supplemental Applications per Month
- (983) Responsible Parties, (330) Third Parties
- (5,787) Applications Processed
- (\$235 million) Applications Processed
- (\$141 million) Awarded

# Program Statistics (excluding residential tank amnesty program)

- Average Costs Awarded for Sites Closed Per RSRs (\$126,777)  
Average Costs Awarded for All Sites (\$155,689)
- Pending Backlog – (1,337) Applications, (\$63 million)
- xx FOIA Request Processed

# Program Statistics (excluding residential tank amnesty program)

- 90 Administrative Hearings (61 Clean-up Account, 29 Residential Tank Amnesty Subaccount)
- 82 Cost Recover Cases



# Questions????

